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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,362	03/12/2004	Jeffrey M. Harrington	GRTSTF/031A	6368
20995 7590 02/21/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER				
LEE, CLOUD K				
ART UNIT		PAPER NUMBER		
3753				
NOTIFICATION DATE		DELIVERY MODE		
02/21/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/799,362

Applicant(s)

HARRINGTON ET AL.

Examiner

CLOUD K. LEE

Art Unit

3753

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13, 26 and 27 is/are allowed.
- 6) ☒ Claim(s) 1-7, 12, 14-25 and 28-41 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB08)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Paper No(s)/Mail Date _____
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15, 28-30, 32, 36 and 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Desai (US Patent No. 6,236,850).

Desai discloses a power saving system and its associated method comprising a wireless transmitter or a remote control (14) and a wireless receiver (18) configured to receive wireless command signal (16), wherein the wireless receiver comprising a detection unit configured to detect and receive command signals (see Col 3 lines 19-23) and an electronic logic unit (the processing unit that processes the digital signal, binary zero and binary one, see Col 5 lines 13-27), a power control unit configured to repeatedly switch the wireless receiver between powered and unpowered states in a cycle (see Col 2 lines 27-35), wherein the power control unit keeps the wireless receiver in its powered states about 10% of the time of the cycle (see Col 2 lines 27-35), wherein the receiver is a radio frequency receiver (32), wherein the power control unit is configured to keep the wireless receiver in its unpowered state for no more than a set time period during each cycle and wherein the remote control is configured so that each signal is transmitted for a duration at least as long as the set period (see Col 3 lines 16-35).

Regarding the limitation “for controlling an electrical motor driving rotation of a hose reel and an electrically actuated valve controlling a fluid flow through a hose system” in claims

Art Unit: 3753

15 and 28, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-7, 12, 14-18, 20-21, 25, 28, 31, 33-34 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeVito (US Patent No. 5,947,148) in view of Ericksen et al. (6,337,635) and Desai (US Patent No. 6,236,850).

Regarding claims 15 and 28, under more limiting interpretation and reading the intended use limitations of the claimed invention, Desai fails to disclose an electrical motor driving rotation of a hose reel and an electrically actuated valve controlling a fluid flow through a hose system. However, DeVito discloses a hose control system and its associated method comprising a hose reel device comprising a rotatable reel (14) onto which a hose can be spooled, an electrical motor (18) connected to rotate the reel, an electronic component in communication with the motor wherein the electronic component comprising a wireless remote control unit (23), wherein the remote control unit comprising manual controls for controlling the motor (see Col 3 lines 5-10). DeVito also discloses the remote control comprises a motor control for transmitting command signals to the wireless receiver (24). DeVito fails to disclose a flow controller, an electrically actuated valve and a power control unit configured to repeatedly switch the wireless receiver between powered and unpowered states in a cycle.

Eriksen et al discloses a flow controller including an inlet (26), an outlet (26), a fluid flow path defined between the inlet and outlet, an electrically actuated valve (22) positioned to selectively close the fluid flow path, an electronic component in communication with the valve, wherein the remote control unit comprising wireless manual controls (20) for controlling the valve, a wireless receiver (32) is integrated with the flow controller, wherein the flow controller are configured to position the valve at a plurality of positions between a completely closed position and a completely open position (see Col 5 lines 29-34). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided an electrically actuated valve with a wireless remote control in order to eliminate the wires from the remote controller to the valve and regulate the fluid flow by the flow controller.

Desai discloses a remote control and its associated method comprising a wireless transmitter (14) and a wireless receiver (18) configured to receive wireless command signal (16), wherein the wireless receiver comprising a detection unit configured to detect and receive command signals (see Col 3 lines 19-23) and an electronic logic unit or an IC chip (the processing unit that processes the digital signal, binary zero and binary one, see Col 5 lines 13-27), a power control unit configured to repeatedly switch the wireless receiver between powered and unpowered states in a cycle (see Col 2 lines 27-35), wherein the receiver is a radio frequency receiver (32). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a wireless remote control and a wireless receiver having a power saving system such that the power saving system configured to repeatedly switch the wireless receiver between powered and unpowered states in a cycle in order to reduce the power consumption of the receiver as taught by Desai (see Col 2 lines 24-26).

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over DeVito (US Patent No. 5,947,148) in view of Ericksen et al. (6,337,635) and Desai (US Patent No. 6,236,850) as applied to claim 1 above, and further in view of Paese et al (US Patent No. 6,568,655).

The combination of DeVito, Ericksen et al. and Desai fails to disclose the power control unit comprises an operational amplifier.

Paese et al disclose the power control unit comprises an operational amplifier (340) to amplify the command signals. It would have been obvious to one having ordinary skill in the art

at the time the invention was made to have provided an operational amplifier in order to provide a buffer with gain of about one for the power control unit as taught by Paese et al (see Col 11 lines 14-21).

6. Claims 22-23, 35 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeVito (US Patent No. 5,947,148) in view of Ericksen et al. (6,337,635) and Lutz et al (US Patent No. 6,017,017).

DeVito discloses a hose control system and its associated method comprising a hose reel device comprising a rotatable reel (14) onto which a hose can be spooled, an electrical motor (18) connected to rotate the reel, an electronic component in communication with the motor wherein the electronic component comprising a wireless remote control unit (23), wherein the remote control unit comprising manual controls for controlling the motor (see Col 3 lines 5-10). DeVito also discloses the remote control comprises a motor control for transmitting command signals to the wireless receiver (24). DeVito fails to disclose a flow controller, an electrically actuated valve and a power control unit configured to reduce power consumption by applying an initial voltage to initiate movement of a valve and then reducing the voltage to the valve after the valve begins moving and before the valve is intended to stop.

Ericksen et al discloses a flow controller including an inlet (26), an outlet (26), a fluid flow path defined between the inlet and outlet, an electrically actuated valve (22) positioned to selectively close the fluid flow path, an electronic component in communication with the valve, wherein the remote control unit comprising wireless manual controls (20) for controlling the

Art Unit: 3753

valve, a wireless receiver (32) is integrated with the flow controller, wherein the flow controller are configured to position the valve at a plurality of positions between a completely closed position and a completely open position (see Col 5 lines 29-34). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided an electrically actuated valve with a wireless remote control in order to eliminate the electric wires from the remote controller to the valve and regulate the fluid flow.

Lutz et al disclose a power control unit configured to reduce power consumption by applying an initial voltage to initiate movement of a valve and then reducing the voltage to the valve after the valve begins moving and before the valve is intended to stop (see figure 3 and Col 2 lines 19-37). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a power control unit configured to reduce power consumption by applying an initial voltage to initiate movement of a valve and then reducing the voltage to the valve after the valve begins moving and before the valve is intended to stop in order to detect armature drop off from a holding position and to take immediate corrective actions as taught by Lutz et al (see Col 2 lines 1-5).

7. Claims 22, 24, 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeVito (US Patent No. 5,947,148) in view of Erickson et al. (6,337,635) and Conner (US Patent No. 4,845,418).

The combination of DeVito and Erickson et al fails to disclose a power control unit configured to reduce power consumption by applying an initial voltage to initiate movement of a

Art Unit: 3753

motor and then reducing the voltage to the valve after the valve begins moving and before the motor is intended to stop.

Conner discloses a power control unit configured to reduce power consumption by applying an initial voltage to initiate movement of a motor and then reducing the voltage to the motor after the motor begins moving and before the motor is intended to stop (see figure 3A). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided a power control unit configured to reduce power consumption by applying an initial voltage to initiate movement of a motor and then reducing the voltage to the motor after the motor begins moving and before the motor is intended to stop in order to reduce the response time for the motor, minimize the undesired movement of the rotor as taught by Conner.

Allowable Subject Matter

8. Claims 13, 26-27 are allowed.

Claims 8-10 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

9. Applicant's arguments with respect to claims 1, 14, 15, 18, 21-22, 25, 28, 31-34, 36 and 37 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments, the recitation a power control unit configured to reduce power consumption has not been given patentable weight because the recitation occurs in

the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Furthermore, applicant has only recited applying an initial voltage then reducing said initial voltage after the mechanical device begins to move. Conner clearly discloses a power control unit configured to reduce power consumption by applying an initial voltage to initiate movement of a motor and then reducing the voltage to the motor after the motor begins moving and before the motor is intended to stop (see figure 3A).

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cloud K. Lee whose telephone number is (571)272-7206. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (571)272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3753

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CL

/John Rivell/
Primary Examiner, Art Unit 3753